

**LAND AUTHORITY GOVERNING BOARD
AGENDA ITEM SUMMARY**

Meeting Date: August 17, 2005

Division: Land Authority

Bulk Item: Yes ☐ No ☒

Staff Contact Person: Mark Rosch

Agenda Item Wording: Approval to purchase property as affordable housing sites - Block 8, Lots 8-11, Cutthroat Harbor Estates on Cudjoe Key.

Item Background: This acquisition is proposed in furtherance of the Board's policy to establish a "land bank" of affordable housing sites.

The subject property consists of 1.15 acres of disturbed land between US 1 and La Fitte Drive on the oceanside of Cudjoe Key near MM 22.5. The property is zoned Suburban Commercial (SC), which allows for the development of up to 13 units of affordable housing. The Planning Department's review indicates the property is buildable and is not a wetland, although there are some buttonwood trees present. Coordination with the US Fish and Wildlife Service will be required because the property is included on that agency's list of possible habitat for federally protected animal species. See the attached letter from Planning Director Marlene Conaway for further details.

The Executive Director has executed the Land Authority's standard purchase contract for this transaction. The agenda packet spreadsheet lists the legal description, purchase price, and estimated closing costs.

Advisory Committee Action: On July 27, 2005 the Committee voted 3/0 to approve the purchase of this property.

Previous Governing Board Action: N/A

Contract/Agreement Changes: None.

Staff Recommendation: Approval

Total Cost: \$513,218.50

Budgeted: Yes ☒ No ☐

Cost to Land Authority: \$513,218.50

Source of Funds: Land Authority
(Tourist Impact Tax and State Park Surcharge)

Approved By: Attorney ☒ County Land Steward ☐

Executive Director Approval: _____


Mark J. Rosch

Documentation: Included: ☒

To Follow: ☐

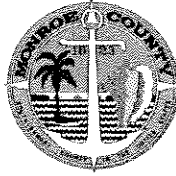
Not Required: ☐

Disposition: _____

Agenda Item _____

PURCHASE CONTRACTS
08/17/05

<u>Property</u>	<u>Purchase Price</u>	<u>Envr. Audit, Survey, Appraisals or Clean-up</u>	<u>Title Insurance</u>	<u>Attorney Fee</u>	<u>Recording Fee</u>	<u>Acquisition Total</u>
Cutthroat Harbor Estates Block 8, Lots 8 - 11 (The Fey Group, LLC)	\$500,000.00	\$10,000.00	\$2,700.00	\$500.00	\$18.50	\$513,218.50



PLANNING DEPARTMENT

Suite 400
2798 Overseas Highway
Marathon, Florida 33050
Voice: (305) 289-2500
FAX: (305) 289-2536

BOARD OF COUNTY COMMISSIONERS

Mayor Dixie M. Spehar, District 1
Mayor Pro Tem, Charles McCoy, District 3
Comm. Murray E. Nelson, District 5
Comm. George Neugent, District 2
Comm. David P. Rice, District 4

July 25, 2005

Mark J. Rosch
Executive Director, Monroe County Land Authority
1200 Truman Avenue, Suite 207
Key West 33040

SUBJECT: DEVELOPMENT POTENTIALS OF LOTS 8 THROUGH 11, CUTTHROAT HARBOR, CUDJOE, MONROE COUNTY FLORIDA.

Dear Mr. Rosch:

Pursuant to your request, this letter is intended to inform you of the development potentials of four (4) lots on Cudjoe Key primarily for affordable housing development. The information provided below is based on the property appraiser's records and the Planning Department GIS and other resources.

1. The subject properties include four (4) contiguous lots on the Gulf side of US 1 Hwy. The lots are described as Block 8, lots 8 through 11, Section 28, Township 66, Range 28, Cutthroat Harbor Estate, PB4165, Cudjoe Key, Monroe County, Florida. The Real Estate Numbers are 00178350.000000, 00178360.000000, 00178370.000000, and 00178380.000000. According to the Property Record Card, each lot is approximately 12,500 SF. Total gross area of the four (4) lots is 50,000 SF or approximately 1.15 acres.
2. The current Land Use District (Zoning) Map indicates that all four (4) lots are in the Sub Urban Commercial (SC) Land Use District and the Future Land Use Map (FLUM) designations are Mixed Use/Commercial (MC).
3. The parcels are designated as Tier 3 in the proposed Tier System. The official County Habitat Maps designate the parcels as "disturbed", with an open space (undeveloped area) requirement of 20%. The parcels are not identified as containing wetlands on the County Advanced Identification of Wetlands (ADID) maps, nor do they meet the wetland criteria contained in Chapter 62-340, F.A.C., utilized by Monroe County, the Florida Department of Environmental Protection (FDEP), and the South Florida Water Management District (SFWMD). The local representative of the U.S. Army Corps of Engineers (COE) was contacted and stated that he is in agreement with these findings.
4. Pursuant to Section 9.5-206 of the Monroe County Land Development Regulation (LDRs), the purpose of the Sub Urban Commercial District (SC) is to establish areas for commercial uses designed and intended primarily to serve the needs of the immediate planning area in which they are located. Section 9.5-235 of the LDRs specifies the range of uses permitted in the SC zoning district:

As-of-Right Uses:

- Low and medium intensity retail and office uses under 2,500 SF;
- Commercial apartments involving less than six (6) units;
- Attached and unattached residential dwellings involving six (6) units, designated as employee housing;
- Commercial recreation such as a theater or health club;
- Institutional or public buildings;
- Accessory uses;
- Storage area of up to 25% of the parcel's gross area.

Minor Conditional Uses:

- High intensity retail uses less than 2,500 SF;
- Low and medium intensity retail and office uses over 2,500 SF but less than 10,000 SF;
- Light industrial;
- Commercial apartments between 6 and 18 units;
- Attached and unattached residential dwelling units involving 6 to 18 units, designated as employee housing;
- Parks or community parks.

Major Conditional Uses:

- High intensity commercial retail uses of greater than 2,500 SF;
- Low and medium intensity commercial uses greater than 10,000 SF;
- Institutional residential uses involving 20 units and more;
- Hotels providing 25 units and more;
- Attached and unattached residential units involving more than 18 units designated as employee housing;
- Mariculture (such as shrimp farming);
- Storage area more than 25%.

5. Pursuant to Section 9.5-269, the following Non-Residential Floor Area Ratios (FAR) apply to SC:

Commercial retail:	
Low intensity	0.35
Medium intensity	0.25
High intensity	0.15
Office	
Commercial recreational	0.10
Institutional	0.30
Outdoor recreational	0.10
Public buildings and uses	0.30
Light industry	0.30

In addition, the allocated residential density for commercial apartments is three (3) units per acre, and the maximum net density is 15 units per buildable acre for employee housing and six (6) units for market rate housing using Transferable Development Rights (TDRs).

6. The minimum environmental open space ratio for a disturbed property is 0.20 of the lot's gross area. Open space means that portion of any parcel or area of land or water, which is required to be maintained such that the area within its boundaries is open and unobstructed from ground to sky.
7. The maximum number of affordable/employee housing that can be permitted for lots 8, 9, 10, and 11 is based on the net buildable area per acre multiplied by 15 (maximum net density). Pursuant to Section 9.5-4(N-4), net buildable area means that a portion of a parcel of land which is developable and is not open space or the required minimum buffer-yard or the setbacks. The total number of affordable/employee housing for the four lots is calculated using the following methodology.

Option 1, Individual Lots:

Each lot is approximately 12,500 SF or 0.29 acre.

Required open space is 20% of the gross area.

$1 - 0.20 = 0.80$ therefore, *80% of each lot will be available for development.*

$0.80 \times 0.29 = 0.23$ acre is net buildable area.

$0.23 \times 15 = 3.45$ or *three (3) units of employee housing at maximum net residential density of 15 units per buildable acre. Total number of employee housing units for the four (4) lots will be 12 units.*

Option 2, Lots Combined:

The combined total area of the four (4) lots is 50,000 SF or 1.15 acres.

Required open space is 20% of the gross area.

$1 - 0.20 = 0.80$, therefore *80% of the parcel will be available for development.*

$0.80 \times 1.15 = 0.92$ acres is net buildable area.

$0.92 \times 15 = 13.8$ or *thirteen units of employee housing at maximum net residential density of 15 units per buildable acre.*

Total number of employee housing units for the four (4) lots combined will be 13 units.

The above formula can be modified to calculate different options including a reduced number of affordable/employee housing in exchange for non-residential floor area.

8. Pursuant to Section 9.5-266(a)(8), if an affordable or employee housing project or an eligible commercial apartment(s) designated for employee housing contain(s) at least five dwelling units, a maximum of twenty (20) percent of these units may be developed as market rate housing dwelling units. The market rate units shall remain as an integral part of the affordable or employee housing project.
9. The following standards shall apply:
 - MINIMUM YARDS – SECTION 9.5-281
 - Front Yard: 25 feet
 - Rear Yard: 10 feet
 - Side yards: 10 feet with a total of 15 feet for both side yards.
 - OFF STREET PARKING – SECTION 9.5-351

Multifamily-residential units require 1.5 parking spaces per unit and single family dwelling units including mobile homes on individual lots require two (2) spaces per dwelling unit or mobile home.

The number of handicapped parking spaces must follow the provisions of Chapter 6, which incorporates by reference the Florida Accessibility Code for Building Construction.

- **PARKING LOT LANDSCAPING – SECTIONS 9.5-361 AND 9.5-362**

If an off-street parking area containing more than six (6) spaces is proposed in the SC Land Use District, Class “A” parking lot landscaping standards will apply, which require 1500 square feet of planting area, five (5) canopy trees, one (1) understory tree, and twelve (12) shrubs per 24 spaces, or proportional amount.

- **PROTECTED ANIMAL SPECIES**

The official County Protected Animal Species Maps do not designate the subject parcels as known, probable, or potential habitat for any animal species. However, the U.S. Fish and Wildlife Service (FWS) has not excluded these parcels as habitat for listed animal species. Therefore, coordination with the FWS will be required prior to application for development.

- **STREET TREES – SECTION 9.5-366**

All street fronts not required to provide a scenic corridor or bufferyards shall plant street trees. Since these parcels require bufferyards along both U.S. Highway One and LaFitte Road, this regulation does not apply.

- **DISTRICT BOUNDARY BUFFERS – SECTION 9.5-377**

Bufferyards along district boundaries shall be provided:

The district boundary bufferyard between these Sub Urban Commercial (SC) parcels and the Improved Subdivision (IS) district to the south is a Class “D” bufferyard, consisting of a minimum width of 20 feet with 6.6 canopy trees, 3.3 understory trees, and 28 shrubs per 100 feet of road frontage. Plant numbers are reduced for wider bufferyards (25’, 30’, & 35’).

The district boundary bufferyard required between the subject SC parcels and the Commercial Fishing Area (CFA) district to the east is a Class “G” bufferyard, consisting of a minimum width of five (5) feet, with one (1) canopy, three (3) understory, and 30 shrubs per 100 feet of boundary. Planting requirements are reduced if a 6 foot wooden fence is installed.

The U.S. Highway One frontage requires a Class “C” major street buffer, consisting of a minimum width of 10 feet with 5 canopy trees, 2 understory trees, and 20 shrubs per 100 feet of frontage. Planting requirements are reduced for wider bufferyards (15’, 20’, & 25’).

10. Review and approval of local departments and state agencies including Monroe County Fire Marshall and Florida Department of Health (DOH) shall be required. Letters of coordination must be submitted with the application for a building permit.

If this property is subject to a conditional use approval, the Planning Commission is empowered under Section 9.5-63 to modify or deny any application based on their review of the appropriateness of the proposed development within the context of surrounding properties and compliance with the LDRs and 2010 Comprehensive Plan. In Section 9.5-65 the Planning Commission and the Planning Director are required to consider all aspects of the development, impacts on the community and consistency with the goals, objectives and standards of the plan and LDRs before granting conditional use approval, approval with conditions or denial of a project. Therefore, the intensities, densities and possibilities for setback waivers detailed in this letter are subject to the Planning Commission and/or the Planning Director conditional use review and approval.

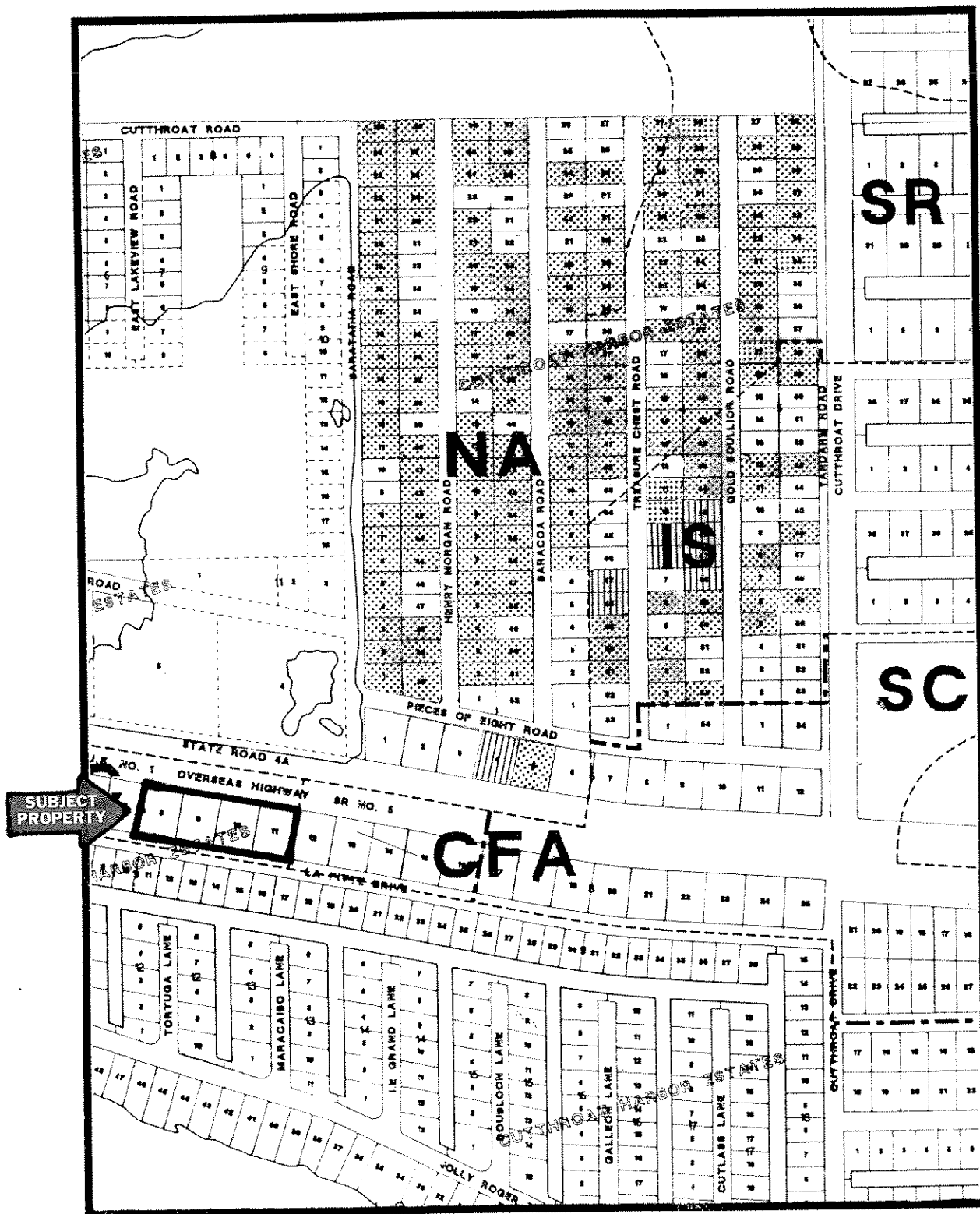
Pursuant to Section 9.5-43 of the Monroe County Land Development Regulations (LDRs), you are entitled to rely upon the representations set forth in this letter as accurate under the regulations currently in effect. This letter does not provide any vesting to the existing regulations, if the Plan or LDRs are amended the property and/or project will be required to be consistent with all goals, objectives and standards at the time of development approval. The information provided in this letter may be relied upon, with the previous disclaimers, for a period of three years. The Planning Director upon the request of the landowner may review and reaffirm the representations set forth in this letter for an additional period of time.

Sincerely,

A handwritten signature in cursive script, reading "K. Marlene Conaway".

K. Marlene Conaway
Director of Planning and Environmental Resources Department

Cc: Timothy J. McGarry, AICP, Director of Growth Management
Ervin Higgs, Property Appraiser
Beth LaFleur, Lower Keys Island Planning Team Director
Aref Joulani, Senior Administrator of Development Review and Design
Ralph Gouldy, Senior Administrator of Environmental Resources



Mile Marker 22.7 Island CUDJOE

Property CUTTHROAT HARBOR ESTATES

